

DEPARTMENT OF LABOR
OFFICE OF THE SECRETARY

REPORT
ON THE
BISBEE DEPORTATIONS

MADE BY THE PRESIDENT'S MEDIATION
COMMISSION TO THE PRESIDENT OF
THE UNITED STATES

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MADE BY THE PRESIDENT'S MEDIATION COMMISSION TO THE
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BISBEE, ARIZ., *November 6, 1917.*

The PRESIDENT:

The deportations on the 12th of July last, from the Warren district of Arizona, as well as the practices that followed such deportations, have deeply affected the opinions of laboring men, as well as the general public, throughout the country. These events have even been made the basis of an attempt to affect adversely public opinion among some of the people of the allies. Their memory still embarrasses the establishment of industrial peace for the period of the war, and it is indispensable to obtain and maintain industrial peace if the war is to be brought to the quickest possible successful conclusion and if lives are not to be needlessly sacrificed. The President's Mediation Commission is charged rather with helping to secure peaceful industrial relations for the future than to sit in judgment upon the errors of the past. But it is impossible to make for peace in the future unless the recurrences of such instances as the Bisbee deportations are avoided. The future can not be safeguarded against such recurrences unless a candid and just statement is made of the facts surrounding the Bisbee deportation and an understanding is had of the conditions which brought it about. Such candor is necessary for the guidance of all in their future conduct. Such candor is also necessary, because if the truth be authoritatively set forth there will be no basis for any misrepresentation of the facts either through ignorance or design.

The President's Mediation Commission has therefore deemed it a duty which it could not avoid to undertake a thorough and impartial consideration of the facts surrounding the deportations of the 12th of July and the practices which have been pursued since the deportation by officials and citizens of Cochise County. After hearing the representatives of the different elements involved in the deportation, both official and private, the President's Mediation Commission makes these findings:

1. A strike was called in the Warren district on June 26, 1917, to be effective the following day. While undoubtedly the men sincerely felt that several grievances called for rectification by the companies,

having regard to the conditions in this district and the Government's need for its copper production, the grievances were not of such a nature as to have justified the strike. Here as elsewhere there was, however, no machinery for the adjustment of difficulties between the companies and the men which provided for the determination of alleged grievances by some authoritative disinterested tribunal in which both the companies and the men had confidence and before which they had an equal opportunity of urging their respective claims. This is a fundamental difficulty in the settlement of grievances that may arise in this district, and here as in the other mining camps in Arizona visited by the President's Mediation Commission a plan has been worked out establishing such machinery whereby in the future, at least during the period of the war, grievance will be settled by an orderly, impartial process, and the resort to strike or lockout will be wholly without foundation.

2. Many of those who went out did not in fact believe in the justice of the strike, but supported it, as is common among workingmen, because of their general loyalty to the cause represented by the strikers and their refusal to be regarded in their own estimation, as well as in the minds of their fellow workers, as "scabs."

3. Shortly after the strike was called, the sheriff of the county, through the governor of Arizona, requested the aid of Federal troops. The request was based on the fact that the State militia had been drafted into the Federal service and the State therefore was without its normal militia protection. Gov. Campbell recommended to the Secretary of War that an immediate investigation of the situation at Bisbee be made by a Regular Army officer, in order to ascertain the need of troops. The governor's recommendation was followed, and an investigation of the situation in Bisbee was made by an experienced officer. Such investigation was made on June 30 and again on July 2, and after both investigations the officer reported that everything was peaceable and that troops were neither needed nor warranted under existing conditions.

4. That the conditions in Bisbee were in fact peaceful and free from any manifestations of disorder or violence is the testimony of reputable citizens, as well as of officials of the city and county, who are in a position to report accurately and speak without bias.

5. Early on the morning of July 12 the sheriff and a large armed force presuming to act as deputies under the sheriff's authority, comprising about 2,000 men, rounded up 1,186 men in the Warren district, put them aboard a train, and carried them to Columbus, N. Mex. The authorities at Columbus refused to permit those in charge of the deportation to leave the men there, and the train carried them back to the desert town of Hermanas, N. Mex., a near-by station. The deportees were wholly without adequate supply of food and water

and shelter for two days. At Hermanas the deported men were abandoned by the guards who had brought them, and they were left to shift for themselves. The situation was brought to the attention of the War Department, and on July 14 the deportees were escorted by troops to Columbus, N. Mex., where they were maintained by the Government until the middle of September.

6. According to an Army census of the deported men, 199 were native-born Americans, 468 were citizens, 472 were registered under the selective-draft law, and 433 were married. Of the foreign-born, over 20 nationalities were represented, including 141 British, 82 Serbians, and 179 Slavs. Germans and Austro-Hungarians (other than Slavs) were comparatively few.

7. The deportation was carried out under the sheriff of Cochise County. It was formally decided upon at a meeting of citizens on the night of July 11 participated in by the managers and other officials of the Copper Queen Consolidated Mining Co. (Phelps-Dodge Corporation, Copper Queen division) and the Calumet & Arizona Mining Co. Those who planned and directed the deportation purposely abstained from consulting about their plans either with the United States attorney in Arizona, or the law officers of the State or county, or their own legal advisers.

8. In order to carry the plans for the deportation into successful execution, the leaders in the enterprise utilized the local offices of the Bell Telephone Co. and exercised or attempted to exercise a censorship over parts of interstate connections of both the telephone and telegraph lines in order to prevent any knowledge of the deportation reaching the outside world.

9. The plan for the deportation and its execution are attributable to the belief in the minds of those who engineered it that violence was contemplated by the strikers and sympathizers with the strikers who had come into the district from without, that life and property would be insecure unless such deportation was undertaken, and that the State was without the necessary armed force to prevent such anticipated violence and to safeguard life and property within the district. This belief has no justification in the evidence in support of it presented by the parties who harbored it.

10. Neither such fear on the part of the leaders of the deportation as to anticipated violence nor evidence justifying such fear was ever communicated to the governor of the State of Arizona with a view to renewing the request for Federal troops, based upon changing conditions, nor were the Federal authorities in fact ever apprised that a change of conditions had taken place in the district from that found by the investigating Army officer to call for or warrant the interposition of Federal troops.

11. The deportation was wholly illegal and without authority in law, either State or Federal.

12. Following the deportation of the 12th, in the language of Gov. Campbell of Arizona, "the constitutional rights of citizens and others have been ignored by processes not provided by law, viz, by deputy sheriffs, who refused persons admittance into the district and the passing of judgment by a tribunal without legal jurisdiction, resulting in further deportations."

13. Immediately after the first deportation, and until late in August, the function of the local judiciary was usurped by a body which to all intents and purposes was a vigilance committee, having no authority whatever in law. It caused the deportation of large numbers of others. So far as this committee is concerned, its activities were abandoned at the request of the governor of Arizona late in August.

14. Among those who were deported from the district and who thereafter were arrested in seeking entrance into it were several who were registered under the selective-draft law and sought to return or remain in the district in order to discharge their legal duty of reporting for physical examination under the draft.

These findings of facts make certain recommendations by the President's Mediation Commission inevitable:

1. All illegal practices and the denial of rights safeguarded by the Constitution and statutes must at once cease. The right of unimpeded admittance into the Warren District of all who seek entrance into it in a lawful and peaceful manner must be respected. The right of all persons freely to move about in the Warren District or to continue to reside within it must be scrupulously observed except in so far as such right is restricted by the orderly process of the law. To this end we have directed letters to Gov. Campbell and Sheriff Wheeler of Cochise County, of which copies, together with Sheriff Wheeler's acknowledgment, are appended.

2. In so far as the deportation of July 12 and the events following constitute violations of the laws of Arizona, we join in the recommendation of Gov. Campbell that the responsible law officers of the State and county pursue appropriate remedies for the vindication of such laws.

3. In so far as the evidence before the commission indicates interference with the enforcement of the selective-draft law, the facts should be brought to the attention of the Attorney General of the United States. A memorandum for submission to the Attorney General is appended.

4. In so far as the evidence before the commission indicates an interference with interstate lines of communication, the facts should

be submitted for appropriate attention by the Interstate Commerce Commission. A memorandum for submission to the Interstate Commerce Commission is appended.

5. In so far as deportation such as we have set forth have not yet been made a Federal offense, it is our duty to report to the President the wisdom of recommending to the Congress that such occurrences hereafter be made criminal under the Federal law to the full extent of the constitutional authority of the Federal Government.

Respectfully submitted.

THE PRESIDENT'S MEDIATION COMMISSION,
W. B. WILSON, *Chairman*.

E. P. MARSH.

JOHN H. WALKER.

J. L. SPANGLER.

FELIX FRANKFURTER,
Counsel to the Commission.

